

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY SR.,

No. C-14-02585 DMR

Plaintiff(s),

**ORDER OF DISMISSAL WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE**

v.

SUPERIOR OF CALIFORNIA AT SAN
FRANCISCO COUNTY,

Defendant(s).

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On June 6, 2014, Plaintiff filed suit in this Court along with an application to proceed *in forma pauperis* (“IFP”) and a request for appointment of pro bono counsel. [Docket Nos. 1, 2, 3.] On July 3, 2014, the court granted the IFP application but dismissed the case for failure to state a claim, and gave Plaintiff until July 18, 2014 to file an amended complaint. [Docket No. 9.] On July 28, 2014, the court denied Plaintiff’s request for appointment of counsel, and extended the date by which Plaintiff was required to file an amended complaint to August 8, 2014. [Docket No. 10.] The court noted that Plaintiff’s failure to file an amended complaint by August 8, 2014 “may result in dismissal of the case.” *Id.*

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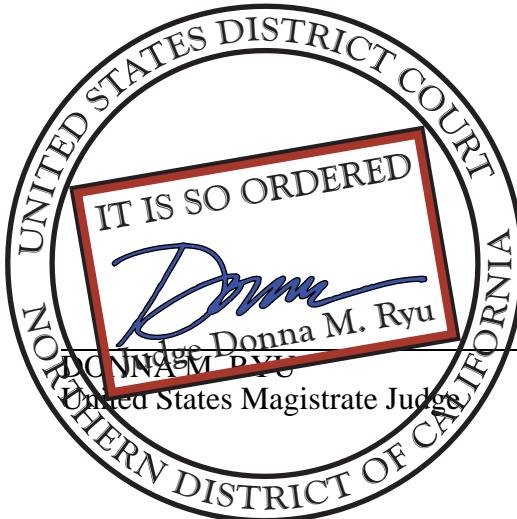
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1 To date, Plaintiff has not filed an amended complaint. Accordingly, this matter is hereby
2 **dismissed without prejudice for failure to prosecute.**¹

3 IT IS SO ORDERED.
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7 Dated: August 13, 2014
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23 1 A magistrate judge generally must obtain the consent of the parties to enter dispositive rulings
24 and judgments in a civil case. *See* 28 U.S.C. § 636(c)(1). However, in cases such as this one, where
25 the plaintiff consented but has not served the defendants, “all parties have consented pursuant to 28
26 U.S.C. § 636(c)(1),” and a magistrate judge therefore “may conduct any or all proceedings in a jury or
27 nonjury civil matter and order the entry of judgment in the case.” *Gaddy v. McDonald*, No. CV 11-
28 08271 SS, 2011 WL 5515505, at *1 n.2 (C.D. Cal. Nov. 9, 2011) (quoting § 636(c)(1)) (citing *United
States v. Real Property*, 135 F.3d 1312, 1317 (9th Cir. 1995)); *Third World Media, LLC v. Doe*, No. C
10-04470 LB, 2011 WL 4344160, at *3 (N.D. Cal. Sept. 15, 2011)); *see also Neals v. Norwood*, 59 F.3d
530, 532 (5th Cir. 1995) (holding that magistrate judge had jurisdiction to dismiss action as frivolous
without consent of defendants because defendants had not yet been served and therefore were not
parties).